UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/635,397	08/06/2003	Christopher N. Kline	END920030058US1	1206

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EXAMINER
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ART UNIT	PAPER NUMBER
3623	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/635,397	KLINE, CHRISTOPHER N.
	Examiner	Art Unit	
	Neil R. Kardos	3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 April 2008*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,5-8,11-14,18-21,24-26 and 28* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,5-8,11-14,18-21,24-26 and 28* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____ .

DETAILED ACTION

1.   This is a **FINAL** Office action on the merits in response to Applicant's submission filed

on April 8, 2008. Claims 1, 5-8, 11-14, 18-21, 24-26, and 28 have been amended. Claims 2-4,

9-10, 15-17, 22-23, and 27 have been cancelled. Currently, claims 1, 5-8, 11-14, 18-21, 24-26,

and 28 are pending and have been examined.

Response to Amendment

2.   Applicant's amendments to the claims have been considered and are sufficient to

overcome the prior art rejections set forth in the previous Office action. New prior art rejections

have been set forth below. These new rejections are necessitated by Applicant's amendments.

Response to Arguments

3.   Applicant's arguments with respect to the claims have been considered but are moot in

view of the new ground(s) of rejection, set forth below.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

5.   **Claims 1, 5-6, 8, 12-14, 18-19, 25-26, and 28 are rejected under 35 U.S.C. 103(a) as**

being unpatentable over McAfee Utilities Version 4.0 User's Guide ("the McAfee Manual")

in view of "Description of the Low Disk Space Notification Tool in Windows XP" ("the

Disk Space article"), and further in view of "How to Automate the Disk Cleanup Tool in

Windows XP" ("the Disk Cleanup article").

Claim 1: The McAfee Manual discloses a method for scheduling performance of

maintenance tasks to maintain at least one server in a distributed computing environment,

comprising:

- providing a distributed computing environment with a plurality of servers

  including said at least one server (see page iii: "Server-Mode," disclosing using

  the product on a server);

- monitoring server conditions on said at least one server to dynamically detect at

  least one predetermined criterion for performing at least one maintenance task on

  said at least one server in said distributed computing environment (see pages 39-

  40: "Crash Protector" discloses "continuously monitors your system to detect

  when an application performs an invalid operation or damages any critical part of

  your system. When such 'Fault' conditions occur, Crash Protector suspends the

  application and displays the following dialog box."); and

- performing said at least one maintenance task in response to said monitoring step

  (see id.),

The McAfee Manual does not explicitly disclose wherein said at least one predetermined

criterion comprises low disk space on said at least one server.

The Disk Space article discloses "when a Windows XP-based computer is running low on disk space, you receive a 'Low Disk Space' message that, when clicked, "starts the Disk Cleanup Wizard" (see page 1: Summary).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the Disk Space Tool with the software in the McAfee Manual. One of ordinary skill in the art would have been motivated to do so for the efficiencies gained by notifying a user when disk space is running low and taking appropriate corrective actions (see the Disk Space Tool: page 1). Furthermore, combining these known elements into one software utility package produces a result that would be predictable to one of ordinary skill in the art.

The McAfee Manual also fails to disclose wherein said at least one maintenance task comprises reducing the size of log files stored on said at least one server in said distributed computing environment.

The Disk Cleanup article discloses deleting various files and reducing the size of files.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the Disk Cleanup Tool with the Disk Space Tool (the Disk Space article explicitly discloses this combination), and to combine these elements with the software in the McAfee Manual. This combination of known elements into one software utility package produces a result that would be predictable to one of ordinary skill in the art.

The cited references do not explicitly disclose automatically reducing the size of log files in response to an indication of low disk space. Rather, the Disk Space article discloses automatically generating a notification upon indication of low disk space that allows the user to

run the Disk Cleanup tool. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to eliminate this user step and automatically run the Disk Cleanup tool. One of ordinary skill in the art would have been motivated to do so for the benefit of efficiencies gained by automatically running the Disk Cleanup tool rather than waiting for a user input. Furthermore, it is obvious to automate processes. *See in re Venner*, 262 F.2d 91, 95, 120 USPQ 193, 194 (CCPA 1958). Combining these known tools with the McAfee Utility into one software utility package produces a result that would be predictable to one of ordinary skill in the art.

Claim 5: The cited references do not explicitly disclose running a maintenance routine on demand in response to said monitoring step for improving operation of said at least one server in said distributed environment. Rather, the Disk Space article discloses automatically generating a notification upon indication of low disk space that allows the user to run the Disk Cleanup tool. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to eliminate this user step and automatically run the Disk Cleanup tool. One of ordinary skill in the art would have been motivated to do so for the benefit of efficiencies gained by automatically running the Disk Cleanup tool rather than waiting for a user input. Furthermore, it is obvious to automate processes. *See in re Venner*, 262 F.2d 91, 95, 120 USPQ 193, 194 (CCPA 1958). Combining these known tools with the McAfee Utility into one software utility package produces a result that would be predictable to one of ordinary skill in the art.

Claim 6: The McAfee Manual discloses automatically backing up settings for said at least one server to an archive in said distributed computing environment (see page 22: "McAfee Image," disclosing wherein the product "saves information that you'll need if your hard disk ever fails, including the boot record, partition tables and FAT information"; See also pages 43-44, disclosing creating automatic backups).

Claim 8: The McAfee Manual discloses writing log files to said at least one server in said distributed computing environment (see page 40, disclosing a report that "allows you to view a log containing additional information").

Claim 12: The cited references do not explicitly disclose automatically alerting an administrator when a maintenance task performed on said at least one server in said performed excessively.

Examiner takes Official Notice that it is old and well-known in the computing arts to determine when tasks are performed excessively in order to optimize resource availability. For example, the Windows Disk Defragmenter notifies a user when it is not necessary to perform a defrag because it is a waste of system resources. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine well-known techniques into the software package of McAfee Utilities. Combining these known tools with the McAfee Utility into one software utility package produces a result that would be predictable to one of ordinary skill in the art.

Claim 13: The McAfee Manual discloses performing said at least one maintenance task

on said at least one server in said distributed computing environment at least once within a

predetermined period (see page 22: "McAfee Image," disclosing running the backup utility

daily).

Claims 14, 18-19, 21, 25-26, and 28: Claims 14, 18-19, 21, 25-26, and 28 are

substantially similar to claims 1, 5-6, 8, and 12-13 and are rejected under similar rationale.

6.   Claims 7 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over the

McAfee Manual in view of the Disk Space article and the Disk Cleanup article, and further

in view of "How to Use the Backup Utility to Back Up Files and Folders in Windows XP

Home Edition" ("the Backup Tool article").

Claim 7: The McAfee Manual does not explicitly disclose automatically saving

configurations and authorizations for instances of applications running on said at least one server

in said distributed computing environment.

The Backup Tool discloses backing up system settings, including permissions (see page

2: step 6; see also bullet points at the bottom of page 2).

It would have been obvious to one of ordinary skill in the art at the time the invention

was made to combine the teachings of the Backup Tool with the software in the McAfee Manual.

One of ordinary skill in the art would have been motivated to do so for the efficiencies gained by

protecting data in the case of hard disk failure (see the Backup Tool: page 1: "More

Information"). Furthermore, combining known computer maintenance tools with the McAfee

Utility into one software utility package produces a result that would be predictable to one of

ordinary skill in the art.

Claim 20: Claim 20 is substantially similar to claim 7 and is rejected under similar

rationale.

7.   Claims 11 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over the

McAfee Manual in view of the Disk Space article and the Disk Cleanup article, and further

in view of "Disk Defragmenter Error Codes ("the Error Codes article").

Claim 11: The McAfee Manual does not explicitly disclose automatically alerting an

administrator when a maintenance task performed on said at least one server in said distributed

computing environment fails.

The Error Codes Article teaches error codes that appear when the disk defragmenter is

unable to perform its task (see page 1).

It would have been obvious to one of ordinary skill in the art at the time the invention

was made to combine the teachings of the Error Codes Article with the software in the McAfee

Manual. One of ordinary skill in the art would have been motivated to do so for efficiencies

gained by notifying users of problems with maintenance operations (see page 1). Furthermore,

combining known computer maintenance tools with the McAfee Utility into one software utility

package produces a result that would be predictable to one of ordinary skill in the art.

<u>Claim 24</u>: Claim 24 is substantially similar to claim 11 and is rejected under similar

rationale.

Conclusion

8.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Neil R. Kardos whose telephone number is (571) 270-3443. The examiner can normally be reached on Monday through Friday from 9 am to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Beth Van Doren can be reached on (571) 272-6737. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Neil R. Kardos
Examiner
Art Unit 3623

NRK
7/23/08

/Beth V. Boswell/
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